

2.0 RESPONSE

2.1 STATUS OF THE CLAIMS

Claims 1-20 were pending at the time of the Action.

Claims 13-20 have been withdrawn herein without prejudice and without disclaimer, as being drawn to non-elected inventions.

Claims 1-12 (the Group I invention) were elected.

Claims 6 and 8-10 were amended herein.

Claims 21-30 have been added herein.

Claims 1-12 and 21-30 remain pending in the case.

2.2 PRACTICE RELOCATION OF APPLICANTS' REPRESENTATIVE

Applicants undersigned representative has recently relocated his practice from Williams, Morgan and Amerson (Customer No. 23720) to Haynes and Boone, LLP (Customer No. 27683). Authorization for the transfer of this matter to the undersigned's firm was granted and the representative submitted a revocation of power of attorney, a new power of attorney, and a change of customer number/correspondence address to formalize this change of representation on June 28, 2005. Acceptance of this change of address was recorded in the Office on July 20, 2005.

The new attorney docket number for this case is 36689.26. Applicants appreciate the Examiner's so noting of this in all subsequent communication with the undersigned representative, and that the attorney docket number for this file be corrected to reflect this change.

Likewise, should the Office or the Examiner-in-Charge of this application have any questions, the Applicants' new undersigned representative may be contacted at the following address:

Mark D. Moore, Ph.D.
HAYNES AND BOONE, L.L.P.
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 713/547-2040
Facsimile: 214/200-0853

2.3 RESTRICTION

The Action subjected the present application to the following four-way restriction:

- | | |
|-----------|--|
| Group I | Claims 1-12, drawn to a composition comprising an adeno-associated viral vector and a recombinant adeno-associated viral particle comprising an adeno-associated viral vector that comprises a nucleic acid segment encoding a pro-opiomelanocortin polypeptide. |
| Group II | Claims 13-16, drawn to a method for treating or ameliorating the symptoms of a pro-opiomelanocortin polypeptide deficiency condition in a mammal using the composition in claim 1. |
| Group III | Claims 17-19, drawn to a method for providing a mammal in need thereof with a therapeutically-effective amount of a pro-opiomelanocortin polypeptide. |
| Group IV | Claim 20, drawn to a method for controlling body weight gain or food intake. |

2.4 ELECTION

Pursuant to 37 C. F. R. § 1.111, Applicants elect the Group I invention (claims 1-12) for examination on the merits, without traverse. Newly-added claims 21-30 are properly directed to the subject matter of the Group I restriction, and as such, are allowable for entry.

2.5 SUPPORT FOR THE CLAIMS

Support for the pending claims can be found throughout the original claims, specification and figures as filed. It will be understood that no new matter is included within any of the newly-submitted claims. Applicants authorize any additional fees necessitated by the presently added claims to be deducted from Applicants' Representatives' Deposit Account as noted above.

3.0 CONCLUSION

It is respectfully submitted that the pending claims are fully enabled by the Specification, that all pending claims are definite, and free of the cited prior art. Applicants believe that the claims are acceptable under all sections of the Statutes and are now in conditions for ready allowance, and that all of the concerns of the Examiner have been resolved. Applicants further respectfully request, therefore, the withdrawal of all rejections and that a Notice of Allowance be issued in the case with all due speed. However, Applicants also note for the record their explicit right to re-file claims to one or more aspects of the invention as originally claimed in one or more continuing application(s) retaining the priority claim from the present and parent cases.

Should the Examiner have any questions, a telephone call to the undersigned Applicants' representative would be appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark D. Moore", written over a horizontal line.

Mark D. Moore, Ph.D.
Registration No. 42,903

Date: August 29, 2005

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 713-547-2000
Facsimile: 214 200-0853
36689.26